

Claims 1-3, 5, and 7-11 were pending in the present application. Claims 7-11 have been canceled herein without prejudice to their presentation in another application as being drawn to non-elected inventions. Claims 1-3 have been amended herein to reflect elected subject matter. No new matter has been added. Upon entry of the present amendment, claims 1-3 and 5 will remain pending.

As a preliminary matter, Applicants thank the Examiner for indicating at page 7 of the Office Action that claims 1-3 and 5 would be allowable if amended to contain the elected subject matter and to overcome the rejections.

I. The Claimed Invention Is Supported by Ample Written Description

Claims 1-3 are rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, referring to “solvates or prodrugs” (see, page 3 of the Office Action). Although Applicants disagree with the reasoning set forth in the Office Action, solely to advance prosecution of the present application, the claims have been amended to delete “prodrugs” and “solvates” where applicable. In view of the foregoing, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph, as allegedly failing to provide sufficient written description be withdrawn.

II. The Claimed Invention Is Sufficiently Enabled

Claims 1-3 are rejected under 35 U.S.C. §112, first paragraph as allegedly failing to provide an enabling disclosure, referring to “the expressions solvate and prodrug” (see, page 3 of the Office Action). Although Applicants disagree with the reasoning set forth in the Office Action, solely to advance prosecution of the present application, the claims have been amended to delete “prodrugs” and “solvates” where applicable. In view of the foregoing, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph, as allegedly failing to provide an enabling disclosure be withdrawn.

III. The Claims Are Clear And Definite

Claims 1-3 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention, referring to the “expressions prodrug and solvate” (see, page 6 of the Office Action). Although Applicants disagree with the reasoning set forth in the Office Action, solely to advance prosecution of the present application, the claims have been amended to delete “prodrugs” and “solvates” where applicable. In view of the foregoing, Applicants respectfully request that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

IV. Conclusion

In view of the foregoing, Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Office is invited to contact Applicants’ undersigned representative at (610) 640-7859 if there are any questions regarding Applicants’ claimed invention.

The Commissioner is hereby authorized to debit any underpayment of fee due or credit any overpayment to Deposit Account No. 50-0436.

Respectfully submitted,

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